

**CITY OF MORGAN HILL
JOINT SPECIAL CITY COUNCIL AND
SPECIAL REDEVELOPMENT AGENCY MEETING
MINUTES - JUNE 13, 2001**

CALL TO ORDER

Mayor/Chairman Kennedy called the special meeting at 6:04 p.m.

ROLL CALL ATTENDANCE

Present: Council/Agency Members Carr, Chang, Sellers, Tate, Mayor/Chairman Kennedy

DECLARATION OF POSTING OF AGENDA

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

WORKSHOP

1. COMMUNITY THEATER

The City Council conducted a workshop on the design of the community theater. The workshop was well attended by members of the public and the media. The Consultant retained by the city made the announcement(s) of the discussion during the workshop:

- ▶ Layout for building design was discussed at length
- ▶ Staff is to work with architect and consultant to improve the exterior look of the bathroom wing
- ▶ Drive aisle to be widened; this will cause the building to be closer to Monterey Street, similar to the building at Fifth and Monterey Streets
- ▶ Staff to work toward firming a contract with the South Valley Civic Theater
- ▶ Addition of language dealing with the facility to clearly state the control help by the City; daily operations will be under the control of the City (e.g., setting reservations, etc.),

Council Member Tate questioned the lease agreement detail and contractual agreements between the City and South Valley Civic Theater [the rates will be negotiated; and can be revisited by language in the contract].

Council Member Chang asked for information regarding the rental procedures. She also stated the need for flexibility on the rates to ensure the highest and best use of the facility.

Mayor Kennedy indicated that there are still many details to be worked out regarding the operations.

RECESS

Mayor/Chairman Kennedy recessed the meeting at 6:50 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 7:00 p.m.

SILENT INVOCATION

At the invitation of Mayor Kennedy, City Clerk/Agency Secretary Torrez led the Pledge of Allegiance.

PUBLIC COMMENTS

Mayor Kennedy opened the floor to public comments for items not appearing on the agenda. No comments were offered.

Redevelopment Agency Action

OTHER BUSINESS:

2. COMMUNITY THEATER

Noting the report from the consultant of the workshop, Agency Members engaged in discussion concerning the financial issues and future budget needs.

Mayor Kennedy opened the public hearing.

Carol Turner said she had seen the model and asked if this design is the best one for the facility or should it be modeled on the Monterey Building, utilizing other, existing buildings which might be available for move to the site.

The Architect for the project addressed the Agency members, noting there was some reconstruction but the historical elements of the building were being retained. He noted that the major changes were those in window size and retrofit, with the addition of air conditioning.

Chairman Kennedy noted that air condition is very energy intensive, and suggested the need to consider other methods of cooling (e.g., shades, landscaping, thicker glass in the windows, etc.).

Richard Kiser, President of the South Valley Civic Theater, indicated that most group events/presentations would be in the evening hours, and that air conditioning use might be lessened because of this. He also noted that the need for cooling would be lessened because of the need for the use of heavy curtains covering the windows to help with the dramatic effects.

Steve Spencer, past president of South Valley Civic Theater, said he and the Theater members are excited about the project and support the changes indicated from the workshop. He said the South Valley Civic Theater will be using the facility as a "home base," believing the success of their projects will enhance revenues to the City.

It was noted that Rod Pintello, 2103 Darnis Circle; Ariane Borgia, 484 Via Sorrento; and Steve Spencer, 13470 Harding Ave., San Martin, were all present in support of the Community Theater

project.

No further comments were offered.

Action: *On a motion by Agency Member Tate and seconded by Agency Member Sellers, the Agency Commission unanimously (5-0) **continued** the study of the design, having the work brought back to a full and final design for Agency Members consideration.*

City Council Action

PUBLIC HEARINGS:

3. GPA-98-02 AND ZA-01-06: CITY OF MORGAN HILL - GENERAL PLAN UPDATE AND RE-ZONING OF EFFECTED PROPERTIES AND REVIEW OF ASSOCIATED DRAFT MASTER EIR

Director of Community Development Bischoff presented the staff report. He said that this is the second and final public hearing regarding the Draft General Plan (DGP), with a final meeting by the Council on July 11, 2001. This evening, his presentation to the Council included policy issues which needed to be addressed in addition to five areas where the Council has requested review:

- ▶ hospital/health care location(s)
- ▶ traffic issues
- ▶ alignment of Murphy Avenue
- ▶ auto-related businesses along Monterey Rd.
- ▶ commercial zoning preferences at intersections along Monterey Rd.

Mr. Bischoff further stated that written comments had been received, made part of the record and forwarded to Council Members.

Mayor Kennedy noted that many of those present in the audience were to address the Murphy Avenue issues, and explained the rules governing public hearing specifically asking that speakers not repeat statements of others.

Mayor Kennedy opened the public hearing.

The following persons opposed the proposal to make changes to Murphy Avenue: Maria Orlac, 1435 Kelly Park Circle; Darryl Adair, 1425 Kelly Park Circle; Ed Ravenscroft, 1535 Kelly Park Circle; Michelle Nylander, 1385 Kelly Park Circle; Robert Reiser, 1450 Kelly Park Circle; Bob Bainbridge, 1515 Kelly Park Circle; Theresa Finamore, 1370 James Court; Rick Finamore, 1370 James Court; Philip Symons, 1295 Kelly Park Circle; Sam Huerta, 1575 Kelly Park Circle; Bob Burkhardt, 1375 James Court; Michael Lawson, 1385 James Court; and Heather O'Driscoll, 1335 Kelly Park Circle. The speakers addressed the following concerns:

- ▶ increased traffic/increased speed of vehicles
- ▶ danger to children crossing the road to attend school or play in the park (a suggestion made was to close the park if the plan is adopted as presented

- ▶ increased congestion as commuters on Highway 101 look to an improved Murphy Avenue for relief from the congestion - seeking speedier routes around the City
- ▶ the need to consider safety and protection for the City's residents
- ▶ utilizing Condit as a better choice / increasing to four lanes /leaving Murphy as two lanes
- ▶ upgrades to Diana Avenue
- ▶ the present use of Murphy Avenue as a bus route
- ▶ the need for blending, rather than abrupt changes where zoning areas co-join
- ▶ the fact that the proposal would make Nordstrom Park the only City park having four lanes on two sides
- ▶ the proposal violates other areas of the General plan
- ▶ increased noise levels (a request to create a noise contour map was made)
- ▶ the proximity of the proposed industrial area
- ▶ negative impacts on the neighborhood/way of life
- ▶ possibility of depreciating property values in the area
- ▶ insurance of safe passage for students (referencing the requirements of Measure P)
- ▶ lack of safe space for school bus turnaround
- ▶ the need to provide a "housing buffer" sectioning into Industrial space

Fred Domino, 1070 West Edmundson Avenue, requested inclusion of his property to the City's Urban Growth Boundary (UGB). He explained that the property has long been zoned urban. Although adjacent to the UGB, his property has not been included in the UGB.

Randy Barbaglia, 17505 Monterey Road, spoke in support of the Acton property which he advocated having the "lower five acres" of the 20-acre property zoned to four or five residential estates. It was explained that the issue of the language provided by the Measure P initiative had been forwarded to the City Attorney for clarification and possible resolution. He further requested that the Lomonto property, fronting on Barrett, Condit and Murphy Avenues, be designated as General Commercial.

Mary Johnson, 17470 Murphy Avenue, requested clarification to issues raised in her letter to the Council which addresses the Murphy Avenue/Condit Road area in addition to the reduction of lot sizes to the property located across from her house.

Don Kruse, 2635 Thomas Grade, requested clarification of the UGB as it affects his property. He provided an overview of the property ownership and asked for exact language regarding the UGB as it affects his property.

No further comments being offered, the public hearing was closed.

Mayor Kennedy reminded that he had asked for inclusion of traffic calming measure into the General Plan. He said he had asked the City Manager to include monies into the budget to examine and put into place creative ways to avoid straight arterial routes through residential areas.

City Attorney Leichter indicated that she is actively working on the issue of Measure P limitations on the Acton property. The intent of Measure P versus the actual language accepted and approved by voters was discussed.

Council Member Tate indicated that it appears there is considerable support to have Murphy Avenue

remain a two-lane road, questioning whether this is an overall objective? He also indicated his belief that a good plan would transition between residential and industrial zoning(s). He felt that there is a need to consider other areas for Industrial zoning.

Council Member Sellers said there needs to be a better understanding of industrial development and must include support for a tax base. He noted that the City supports clean, high-tech knowledge which can help provide high paying jobs for residents that do not include an unclean, environmentally unsound industry.

Mr. Bischoff agreed, but pointed out that such industry has indicated demands for large industrial acreage space to support campus efforts of development.

Council Member Sellers expressed concern regarding the industrial designation on Condit Road, indicating that a compromise must be reached. He also spoke to the concerns of arterials throughout the City, saying there is a need to look at alternative traffic plans.

Mr. Bischoff indicated that the concerns of traffic calming, keeping commuters on 101, alignment studies for Murphy, the kinds of uses, including industrial, PUDs and the mitigation measures, could be dealt with in action item 11.4. He indicated that the projections for industrial land indicate the need for large blocks of acreage (300 acres +/-), reiterating that "clean" industry wants larger blocks, not small scattered plots. He spoke of the work of the General Plan Task Force (GPTF) in ascertaining the need for causing either Murphy or Condit to be an arterial. He said that Murphy Avenue was not seen as gathering traffic from the freeway, but increased numbers of users from the developing area. He reminded the Council Members that the plan was based on having Highway 101 becoming 10 lanes.

Speaking of the need to flow traffic efficiently through the City, Council Members requested the traffic engineer revisit the predictions of volume and trips per day at peak hours.

Council Member Chang, also a member of the General Plan Task Force (GPTF), said that in an initial survey, 70% of the respondents indicated an industrial area was of great importance. Consequently, the GPTF looked for land areas, considering, for example, San Pedro Avenue, near Tennant Avenue. However, that area proved to be too close to the Greenbelt area. She said the GPTF had spent considerable time studying the issue, indicating further that when the Greenbelt study commences, the large area west of the south end of town might be explored for the purpose.

Mayor Kennedy stated that he would not support an industrial designation south of Main Street. He said alternatives must be presented.

Mr. Bischoff said alternatives would be presented at the July 11 meeting.

Council Member Chang said one alternative is to not have industrial land.

Council Member Carr, also a GPTF member, said that the GPTF members spent a lot of time discussing this and searching for alternatives to industrial sites. The first consideration was economic development concerns coupled with quality of life issues. He stressed that the GPTF had tried to keep the public and City officials informed of the recommendations, believing the ideas

presented were supported. He felt that it might be necessary to consider other areas and ideas. He agreed with Council Member Chang's assessment that the Greenbelt study might need to be coupled with the consideration of alternatives for industrial sites.

Council Member Sellers said that in addition to the Greenbelt study, the Housing Element and the Downtown study will be undertaken in the near future and that there is a need to consider the "whole picture" for the City.

Council Members drew attention to other specific concerns they found in the Draft General Plan, to which Mr. Bischoff responded with explanations of the GPTF work and recommendations.

Mr. Bischoff also noted policy issues he had been asked to address at this meeting, distributing a packet from the Planning Department which offered clarification to those policy issues:

- ▶ hospital/health care location(s): setting aside an identified 10 -15 acres for an acute care hospital to be located in the City
- ▶ traffic issues: revisitation at the July 11 meeting of those items identified
- ▶ alignment of Murphy Avenue & Hill Road: looking more closely at where and how the streets interface. City Manager Tewes requested the Murphy/Condit corridor be given more study
- ▶ auto-related businesses along Monterey Road: suggested language is offered in the packet; it may be necessary to prepare standards for operations. It was noted that while there is a desire not to intensify this kind of business, there is no plan to interfere with existing businesses of this nature
- ▶ commercial zoning preferences at intersections along Monterey Road

Attention was focused on the last policy on page nine of the distributed packet at the meeting of the evening. City Manager Tewes indicated there is not a proposal to add lands to the UGB. He said that if the General Plan changes the designation, there would be a need for public hearings and owner notification.

Action: *Noting the discussion will be continued until July 11, the Council Members **gave direction** to staff to continue with the studies and alternatives to be offered in areas of identified concern.*

Redevelopment Agency and City Council Action

CONSENT CALENDAR:

Action: *On a motion by Agency/Council Member Carr and seconded by Agency/Council Member Chang, the Agency/City Council unanimously (5-0) **approved** Consent Item 4 as follows:*

4. SPECIAL JOINT CITY COUNCIL AND SPECIAL YOUTH ADVISORY COMMITTEE MEETING MINUTES OF MAY 21, 2001

Action: ***Approved** the minutes as written.*

CLOSED SESSIONS

City Attorney Leichter announced the following closed session items:

1.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Legal Authority: Government Code 54956.8 & 54956.9(c) (1 potential case)
Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)
City Negotiators: Agency Members; Executive Director; Agency Counsel; and F. Gale Conner, special counsel
Closed Session Topic: Potential Litigation

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code Section 54956.9(a)
Name of Case: City of San Jose v. Morgan Hill Unified School District, City of Morgan Hill
Case Number: Superior Court, County of Santa Clara CV794073

3.

CONFERENCE WITH LABOR NEGOTIATOR

Authority: Government Code Section 54957.6
Agency Negotiators: City Manager; City Attorney
Employee Organization: Unrepresented Management Employees
Chief of Police
Director of Business Assistance & Housing Services
Director of Community Development
Director of Finance
Director of Public Works/City Engineer
Human Resources Director
Assistant to the City Manager
Council Services and Records Manager

Middle Management - Group 1-B
Police Captain
Deputy Director of Public Works
Deputy City Attorney
Deputy Director of Finance
Chief Building Official
Human Resources Supervisor
Planning Manager
Recreation Manager
Senior Civil Engineer
Budget Manager
Business Assistance and Housing Services Manager
Police Support Services Supervisor
Senior Planner
Utility Systems Manager
Recreation Supervisor
Secretary to the City Manager

PUBLIC COMMENT

Mayor/Chairman Kennedy opened the closed session items to public comment. No comments were offered.

ADJOURN TO CLOSED SESSION

Mayor Kennedy adjourned the meeting to closed session at 9:45 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 11:09 p.m.

CLOSED SESSION ANNOUNCEMENT

City Attorney/Agency Counsel Leichter announced that no reportable action was taken on the above listed closed session items.

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 11:10 p.m.

MINUTES RECORDED AND PREPARED BY:

/s/ Judy Johnson
Judi Johnson, Minutes Clerk